

## REMARKS

Claims 1-23 are pending in this application.

Claim 13 is cancelled.

Claims 1-12 and 14-23 are rejected.

Claims 2, 4, 5, 8, 18-20 and 22 are objected to.

Claims 1 and 21 are rejected under 35 U.S.C. 102(b).

Claims 3, 6, 7, 9-12, 14-17 and 22 are rejected under 35 U.S.C. 103(a).

No new matter is added.

Claims 1-12 and 14-23 remain in the case for consideration.

Applicant requests reconsideration and allowance of the claims in light of the above amendments and following remarks.

***Claim Rejections – 35 U.S.C. § 102***

Claims 1 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,758,045 to Moon et al. ("Moon").

The applicants respectfully traverse the rejection.

Claim 1 recites, "*a data modifying circuit distinct from the memory controller, the data modifying circuit being adapted to...*

*write the external depth data in the memory cell array over the internal depth data depending on the result of the comparison*".

However, Moon does not disclose or suggest the above limitation of claim 1. Referring to FIG. 8, the Examiner has identified elements 81A (FIG. 9) and 71 as "the data modifying circuit", while calling element 72 the "memory controller". Further, the Examiner has stated "applicant's attention is drawn to the fact that the data modifying circuit (the Z value comparator 81A and outer-control logic 71) is not part of memory controller. Fig. 8 shows this clearly as the data modifying circuit is communicating as a separate block from the memory controller 72 and is part of the raster engine 70." Considering the Examiner's conclusions then, *external depth data* is written by Moon's memory controller 72 (/WE), *not the data modifying circuit* as in Claim 1. Further, Moon states, "The memory control logic 72 of the raster engine 70 generates a write enable signal (/WE)...and provides a write control signal of the frame buffer 80." (Col. 6, lines 61-65). Consequently, Moon, alone or in combination with other cited art, does not disclose or suggest each and every element of claim 1; thus, Applicants respectfully request allowance of claim 1.

***Claim Rejections – 35 U.S.C. § 103***

Claims 3, 6, 7, 9-12, 14-17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,758,045 to Moon et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,301,263 to Dowdell ("Dowdell").

The applicants respectfully traverse the rejection.

Claims 3, 6, 7 and 9-11 depend directly or indirectly from claim 1, and for at least the reasons given for claim 1, these claims are believed to be allowable over the cited references.

Claim 12 was previously amended, in response to the Office Action mailed 01-30-04, to include features of claim 13, deemed allowable by the Examiner. Therefore, claim 12 is believed to now be in condition for allowance.

Claims 14-20 depend directly or indirectly from allowable claim 12 and are thus allowable, based on this dependency and based on recitations in the claims themselves.

Claim 22 contains features of claim 4, already deemed allowable by the Examiner, and thus is believed allowable.

Claim 23 depends directly or indirectly from allowable claim 22 and is thus allowable, based on this dependency and based on recitations in the claim itself.

***Allowable Subject Matter***

Claims 2, 4, 5, 8, 18-20 and 23 (although Examiner actually stated 22, applicant respectfully assumes 23 is the intended claim number) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Applicants thank the examiner for stating claims 2, 4, 5, 8, 18-20 and 23 contain patentable subject matter. Claims 2, 4 and 5 were previously amended, in response to the Office Action mailed 01-30-04, to include features of their respective base claims. Thus, claims 21, 22, and 23 contain features of allowable claims 2, 4, and 5, respectively. It is believed that all of the claims as presently pending are allowable.

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For the foregoing reasons, reconsideration and allowance of claims 1-12 and 14-23 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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Limited Recognition Under 37 CFR § 10.9(b)

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